Examiner and respectfully traverses.

It is clear that the Marble patent teaches the use of bonding material between adjacent building blocks which are subject to expansion and erosion. However, Marble failed to address the movement of the entire joint on a different plane. The Examiner, however, noted that although the Marble patent disclosed a cap adjacent blocks with sealant material, Marble did not teach or suggest the ridges to increase the bonding area by 50% on the underside of the cap portion, which greatly improves the ability of the cap to protect the joints.

In order to attempt to show this particular component, the Examiner cited the patent to Richter in combination with Marble. First, Richter is non-analogous art and therefore an improper reference. The Richter patent concerns reflectors studs for roads, and is not at all related to or suggestive of the present invention. For that reason alone, Richter should be withdrawn.

Morever, the reason that the Examiner has cited Richter is not taught or suggested by the Richter reference. Although the Examiner noted that Figure 2 in Richter taught ridges on a cap-pavement connection in order to improve adhesion therebetween. The only portion of the specification which makes reference to Figure 2 states: "As best shown in FIG. 2, in the bottom surface 14.3 of space 14, there are also defined threaded holes 30. In use, bolts 32 may be threaded into the blocks 30 to serve as additional anchors for the markers 10 on the road or pavement structure." However, nothing in the Richter patent would teach the ridges as claimed in the present invention for increasing the surface area on the underside of the cap for the sealant to adhere to. There is no sealant feature in Richter which would have this particular structure necessary in order to carry out the device as taught in the Richter patent.

That being the case, applicant would assert that Richter is an improper reference in combination with Marble and therefore not only because it is addressing non-analogous art, but because simply the structure as cited by the Examiner is not carrying on a function or disclosed in the present invention.

Should the Examiner feel that a telephone conference would advance the prosecution of this application, he is encouraged to contact the undersigned at the telephone number listed below.

Applicant respectfully petitions the Commissioner for any extension of time necessary to render this response timely.

Please charge any fees due or credit any overpayment to Deposit Account No. 50-0694.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on _____, 20__.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: G. I. Negueloua

SERIAL NO: 09/784,693 GROUP ART UNIT: 3763

FILED: 02/15/2001 EXAMINER: Hartmann, Gary S.

FOR: "Improved Cap Sealer for Caulked Joints"

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APPENDIX A - AMENDMENTS

Set out below is an underlined and bracketed version of the amendments made in this response. All claims have been included, even those not amended:

IN THE CLAIMS:

1. An improved cap for sealed joints between adjacent blocks, comprising:

a) a flexible body member, comprising a first cap portion and a leg portion;

b) a plurality of ridges positioned on an underside cap portion, having a plurality of channels there between, the ridges further defining an increased area on the underside of the cap for sealant to adhere to;

c) the leg portion insertable into fluidized sealant material within the joint between the adjacent blocks, to a depth so that the underside of the cap portion imbeds into the sealant material for providing a sealed connection between the underside of the cap and the fluidized sealant material residing in the joint and on an upper surfaces of the adjacent blocks.

2. (Amended) The improved cap in claim 1, wherein the cap is constructed of material [such as lead or other type of material] having [similar] the characteristics of lead.

3. The improved cap in claim 1, wherein the leg member further comprises a pointed end having shoulder members for adhering within the sealant material.

4. The improved cap in claim 1, wherein the plurality of ridges and channels on the underside of the cap portion define a means for adhering to the fluidized sealant and the upper portion of the adjacent blocks for withstanding movement and preventing damage to the sealed joint.

5. The improved cap in claim 1, wherein the cap may be positioned to seal a joint between horizontal and vertical surfaces.

6. (Amended) An improved cap for sealed joints between adjacent building members, [such as concrete blocks,] comprising:

a) a flexible body member, comprising a first cap portion having a first smooth upper surface, an undersurface, and a leg portion extending down from the undersurface;

b) a plurality of ridges positioned on the undersurface of the cap portion, defining a plurality of channels there between, the plurality of ridges and channels increasing the surface area on the underside of the cap by [approximately] around 50% for the sealant to adhere to, thus strengthening the seal between the cap and the concrete or stone blocks the cap is set upon;

c) fluidized sealant material placed within the joint between the adjacent building members;

d) the leg portion insertable into the fluidized sealant material to a depth so that the underside of the cap portion imbeds into the sealant material for providing a sealed connection between the underside of the cap and the fluidized sealant material residing in the joint and on surfaces of the adjacent blocks.

7. (Amended) The improved cap in claim 6, wherein the sealant material comprises caulking [or the like material].

8. (Amended) The improved cap in claim 6, wherein the underside of the cap increases the area for the sealant to adhere to, improving [the] bonding between the cap and the stones and strengthening the seal between the two.

9. The improved cap in claim 6, wherein the cap comprises a continuous strip of flexible material extending uninterrupted over the joint which needs to be sealed.

10. A method of sealing a joint between adjacent building blocks, comprising the following steps:

a) filling the joint with a fluidized sealing material such as caulking;

b) providing a cap, the cap having a cap portion and a downward depending leg portion;

c) inserting the leg portion down in to the fluidized sealing material to a point that an underside of the cap portion makes sealing contact with the fluidized sealing material;

d) providing a plurality of ridges, which define a plurality of channels there between on

an underside of the cap portion, the ridges and channels increasing the area on the underside of the cap for the sealant to adhere to, improving the bond between the cap and the stones and strengthening the seal between the two.

11. The method in claim 10, further comprising the step of removing the excess sealant material from around the cap before the sealant completely sets.

12. The method in claim 10, the insertion of the leg portion of the cap down into the sealing material decreases the size of a joint by one half therefore defining two joint spaces, rather than a single space.--